

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 26.10.2018

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.15258 of 2008

K.Karthikeyan

... Petitioner

Versus

Director of Training and Regional,
Central Apprenticeship Advisor
Board of Apprenticeship Training (Southern Region),
Ministry of Human Resource Development,
Government of India,
4th Cross Road, Taramani,
Chennai - 600 113.

.... Respondent

Writ Petition filed under Article 226 of Constitution of India praying to issue Writ of Certiorari, to call for the records in notification published in the Daily Thanthi Paper dated 19.06.2008 by the respondent and quash the same.

For Petitioner : Mrs.Dr.S.Padma

For Respondent : Mr.J.Madanagopal Rao,
Senior Panel Counsel.

O R D E R

The present writ petition has been filed under Article 226 of the Constitution of India, seeking a writ of Certiorari, to call for the records in notification published in the Daily Thanthi Paper dated 19.06.2008 by the respondent and quash the same.

2. The case of the petitioner is that he was a Diploma holder in Electrical and Electronics Engineering having obtained the same during the year 2000 from Kumaran Polytechnic, Mathur, Thiruvannamalai District with first class marks. The petitioner would submit that he has undergone a course in Electronics and Communication in G.N. charities in the year 2000 and also he studied P.G.Diploma in machine maintenance during the year 2002 to 2003.

3. Further, the petitioner would contend that in pursuance of the recommendations of the Scientific Manpower Committee, the Apprenticeship Training Scheme for Engineering Graduates and Diploma in Engineering, was introduced during post-independence

era by the then Ministry of Education, Government of India, under a scheme called Practical Training Stipendiary Scheme (PTS Scheme) and a limited number of Graduates and Diploma holders in Engineering / Technology were placed for the practical training on a monthly stipend for the above said scheme purely on voluntary basis and the stipend paid by the apprentices were fully borne by the Government of India, directly administered by Ministry of Education. Accordingly, the respondent had given an advertisement in daily Thanthi edition of Villupuram District, on 19.06.2008 for apprenticeship training to nearly 1500 Engineering Graduates and 3000 Diploma holders in Engineering in the Electricity Board, Tamilnadu for the year 2008-2009. It was also mentioned in the said publication that the stipend of Rs.2,600/- and Rs.1,850/- would be paid to Engineering Graduates and Diploma holders in Engineering respectively and the interview / examination would be conducted in all the Chief Engineer's Office, Electrical Distribution Circle. In the said advertisement, it was specifically mentioned that the Engineering Graduates and Diploma Holders, who have passed out in the year 2006,2007 & 2008 and those who have not undergone any apprenticeship training and not having experience of more than a year were eligible to apply with their Bio-data and copies of their Educational Certificates. It was also mentioned that the respondent has also taken special steps to issue interview letters to the eligible candidates at the time of Employment camps for Diploma Holders on 20.06.2008 and for the Engineering Graduates on 21.06.2008.

4. The petitioner would also submit that he was a Diploma holder in Electrical and Electronics Engineering having passed in the examination conducted during the year 2000 with first class marks and he had gone to the said camp and produced the original certificates/degree certificates and requested for interview letter, but the respondent refused to give the interview letter and rejected the claim of the petitioner stating that as per the paper publication, only the candidates, who have completed the Diploma in Engineering and Degree in Electrical and Electronics Engineering during the year 2006, 2007 and 2008 are eligible and the petitioner is not coming under the said category.

5. Further, the petitioner would contend that the refusal of the respondent, to issue the interview letter to the petitioner to participate in the Interview conducted during the month of July 2008, would spoil the career growth of him and will result in unemployment to him in the competitive market. The act of the respondent, without considering the candidates, who have passed in the preceding years, and considering only the candidates who have obtained their degrees in the year 2006, 2007 and 2008 is wholly unjustifiable and arbitrary. Due to the said unjustifiable act of the respondent, the petitioner could

not get the opportunity to attend the interview and it is against the principles of natural justice and the rule of law. The petitioner would further contend that selecting the candidates, who have passed during a particular period for training with stipend is discriminatory and the same has deprived him of the job opportunities. Hence, the petitioner has filed this present writ petition, seeking direction to the respondent to issue interview letter to him.

6. Heard both sides and perused the available records.

7. On perusing the said paper publication in the Daily Thanthi edition at Villupuram District, it could be seen that the Bio-data are called for, from the eligible candidates for apprenticeship training in the Tamilnadu Electricity Board to approximately 1500 Engineering Graduates and 3000 Diploma holders in Engineering. An Employment camp was conducted for Diploma Holders on 20.06.2008 and for Engineering Graduates on 21.06.2008 for apprenticeship training which was scheduled to be conducted during the year 2008-2009 under the PTS Scheme. The respondent has fixed the stipend for Engineering Graduates and Diploma holders in Engineering at Rs.2,600/- and Rs.1,850/- respectively and the interview would be conducted in Tamilnadu Electricity Board Office. It is mentioned in the said publication, the candidates, who have completed and qualified in the year 2006, 2007 and 2008 are entitled to appear for the said interview for the above said apprenticeship training. Suitable candidates were also directed to apply by post or in person with Bio-data and Xerox copies of the relevant certificates to the office. The interview letters had been sent to the candidates who attended the Employment camp in Villupuram on 20.06.2008 and 21.06.2008 for the Diploma holders and Graduate Engineers respectively.

8. At the time of admission, no interim order was passed by this Court in M.P.No.2 of 2008, wherein the prayer is to issue letter for interview scheduled to be held on 1st July 2008 for apprenticeship training, but the said petition was dismissed on 13.11.2008 itself as the prayer has become infructuous.

9. It could be seen that the Government has laid certain conditions for selecting candidates for particular year and the said condition is not in violation of any law. The petitioner has completed the Diploma in the year 2000 and had undergone various other courses and if he is otherwise qualified could have sent the same by post. There is no averment that the petitioner has applied for the same and has sent within 30.06.2008. The petitioner's contention that he is still waiting for interview, cannot be accepted.

10. The learned counsel for the petitioner submits that the respondent may be directed to consider the prayer of the petitioner to participate in the subsequent selection process inasmuch as the petitioner has completed the Diploma course in 2000 and waiting for employment for 18 years. Since the prayer sought for in the Writ Petition and miscellaneous petition were not considered at the time of admission, the direction sought for to consider the claim of the petitioner in the subsequent selection process cannot be granted, when the petitioner was not able to prove that the scheme is still in existence.

11. For the reasons above stated, the Writ petition fails and accordingly, dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

klt

To

The Director of Training and Regional,
Central Apprenticeship Advisor
Board of Apprenticeship Training (Southern Region),
Ministry of Human Resource Development,
Government of India,
4th Cross Road, Taramani,
Chennai - 600 113.

+1cc to Mr.J.Madanagopal Rao, Advocate, S.R.No.74008

W.P.No.15258 of 2008

VD(CO)

rrs 11/12/2018

WEB COPY